

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DOUGLAS EDWARD IVEY,

Petitioner,

v.

No. 23-CV-285-JFH-JAR

TERRY TUGGLE, Warden,

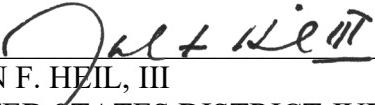
Respondent.

OPINION AND ORDER

Petitioner Douglas Edward Ivey (“Ivey”) filed a motion requesting that the Court appoint him counsel. Dkt. No. 12. He bears the burden of convincing the Court that his claim has sufficient merit to warrant such appointment. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The Court has carefully reviewed the merits of Ivey’s claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering Ivey’s ability to present his claims and the complexity of the legal issues raised by the claims, the Court finds that appointment of counsel is not warranted. See *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); see also *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

IT IS THEREFORE ORDERED that Petitioner Ivey’s motion for appointment of counsel [Dkt. No. 12] is DENIED.

Dated this 20th day of November 2023.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE